

Response

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-11, 13 and 16, as well as newly presented Claims 24 -32, the only claims pending and under examination after entry of the amendments set forth herein.

Amendments

Claim 1 has been amended to incorporate the element of Claim 12, and Claim 12 has correspondingly been canceled.

Claims 17-23 have been canceled without prejudice to renewal.

New Claims 24- 27 find support in original claim 1, as well as page 8, lines 1-22 of the specification. New Claims 28-32 find support in original Claims 2-6 and page 8, lines 11-22.

No new matter has been added by the above amendments.

As such, entry of the above amendments is respectfully requested

Objections

The objection to Claims 21-23 may be withdrawn in view of the cancellation of these claims.

Rejections Under 35 U.S.C. §102

Claims 1-3, 5, 10, 13-14, 16 and 17-19 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Aoki. In view of the incorporation of the element of Claim 12 into Claim 1 and the cancellation of Claims 17-29, this rejection may be withdrawn.

Claims 1-2, 5-10, 13 and 15 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Naumann. In view of the incorporation of the element of Claim 12 into Claim 1 and the cancellation of Claim 15, this rejection may be withdrawn.

Claims 17-18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by WO 99/03483. In view of the cancellation of Claims 17-18, this rejection may be withdrawn.

Claims 17-20 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Deem. In view of the cancellation of Claims 17-20, this rejection may be withdrawn.

Claims 1, 3, 4 and 11 have been rejected under 35 U.S.C. § 102(b) as being anticipated by McCabe. In view of the incorporation of the element of Claim 12 into Claim 1, this rejection may be withdrawn.

Rejection Under 35 U.S.C. §103

Claim 12 has been rejected under 35 U.S.C. § 103(a) as being obvious over McCabe in view of Gilles. While Claim 12 has been cancelled thereby rendering this rejection moot, this rejection is addressed as it may be applied to remaining Claims 1-11, 13 and 16, as well as newly presented Claims 24 -32.

This rejection is based on the Examiner's equation of McCabe's intrathecal administration route to the claimed intravesical administration route.

As is known in the art, intrathecal administration refers to administration of a drug into the cerebrospinal fluid bathing the spinal cord and brain.

An element of all of Claims 1-11, 13, 16 and 24 -32 is that the drug be administered intravesically. As defined the specification of the present application, intravesical administration refers to administration into the lumen of the bladder.

Since McCabe is limited in its teaching to intrathecal administration, which does not teach or suggest intravesical administration as claimed in the present claims, McCabe fails to teach or suggest all of the elements of the claimed invention.

Since Gilles has been cited solely for the element of using a catheter with an inflatable component, Gilles fails to make up this fundamental deficiency in McCabe.

As such, Claims 1-11, 13 and 16, as well as newly presented Claims 24 -32, are not obvious under 35 U.S.C. § 103(a) as being obvious over McCabe in view of Gilles and this rejection may be withdrawn.

Conclusion

In view of the above amendments and remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issue.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815.

Respectfully submitted,
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Date: August 26, 2005

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